

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**CASIE JO MCGEE and SARA ELIZABETH
ADKINS; JUSTIN MURDOCK and WILLIAM
GLAVARIS; and NANCY ELIZABETH
MICHAEL and JANE LOUISE FENTON,
Individually and as next friends of A.S.M.,
minor child,**

Plaintiffs,

v.

Civil Action No. 3:13-24068

**KAREN S. COLE, in her official capacity as
CABELL COUNTY CLERK; and VERA J.
MCCORMICK, in her official capacity as
KANAWHA COUNTY CLERK,**

Defendants.

and

**STATE OF WEST VIRGINIA,
Defendant-Intervenor.**

**STATE OF WEST VIRGINIA'S REPLY
SUPPORTING ITS MOTION TO AMEND THE DEADLINE
TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Defendants respectfully request this Court amend the deadline to permit Defendants until February 7, 2014, or seven days after the Court's Order on their Motions to Dismiss, whichever is later, to respond to Plaintiffs' motion for summary judgment.

1. In their Partial Opposition, Plaintiffs refuse to consent to an extension of (now) four days.

2. Instead, they are willing to agree to the modest extension only if the Court *reduces* the amount of time that Defendants and the State will have to file their reply briefs in support of their cross-motions for summary judgment from ten days, as provided in the rules, to seven days. *See* L.R. Civ. P. 7.1(a)(7) (requiring any reply to be filed and served “within 7 days from the date of service of the memorandum in response”); Fed. R. Civ. P. 6(d) (adding three days “after the period would otherwise expire” when service is performed electronically).

3. As described in the State’s Motion, the State has good cause for the modest (and diminishing) extension it has requested for its initial filing, and does not believe that Plaintiff’s proposed conditions are warranted or appropriate.

4. It is undisputed that this matter is a significant case involving the constitutionality of several State statutes.

5. While the State has proceeded, and intends to continue proceeding, expeditiously and in good faith, a reduction in the time provided under the rules would prejudice the State’s ability to properly brief this matter.

6. Furthermore, it cannot be determined at this time whether good cause may arise during the preparation of the State’s reply brief to warrant a modest extension of time. Local Rule 7.1(a)(7) permits the Court to modify the deadlines upon request.

For these reasons and the reasons stated in the State’s Motion, the Court should grant the State’s motion to amend the schedule and decline to impose the conditions proposed by Plaintiffs.

Respectfully submitted,

PATRICK MORRISEY
ATTORNEY GENERAL

s/ Julie Ann Warren

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Dated: January 27, 2014

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CERTIFICATE OF SERVICE

I, Julie Ann Warren, counsel for the Movant, hereby certify that on January 27, 2014, I electronically filed the foregoing *State Of West Virginia's Reply Supporting Its Motion To Amend The Deadline To Respond To Plaintiff's Motion For Summary Judgment* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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s/Julie Ann Warren
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